



CITY OF MORGAN HILL
COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

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PLANNING COMMISSION

TUESDAY, MAY 27, 2008

CITY COUNCIL CHAMBERS
CIVIC CENTER
17555 PEAK AVENUE
MORGAN HILL, CA 95037

COMMISSIONERS

CHAIR ROBERT L. ESCOBAR
VICE-CHAIR SUSAN KOEPP-BAKER
COMMISSIONER H. GENO ACEVEDO
COMMISSIONER MIKE R. DAVENPORT
COMMISSIONER RALPH J. LYLE
COMMISSIONER JOSEPH H. MUELLER
COMMISSIONER WAYNE TANDA

REGULAR MEETING - 7:00 P.M.

*** A G E N D A ***

NOTICE TO THE PUBLIC

The following policies shall govern the conduct of the Planning Commission meetings:

- *All Planning Commission proceedings are tape-recorded.*
- *Individuals wishing to address the Planning Commission on a particular item should fill out a speaker card and present it to the Secretary. This will assist the Chairperson in hearing your comments at the appropriate time.*
- *When the Chairperson invites you to address the Commission, please state your name and address at the beginning of your remarks.*
- *Speakers will be recognized to offer presentations in the following order:*
 - *Those supporting the application*
 - *Those opposing the application*
 - *Those with general concerns or comments*
 - *Presentations are limited to 5 minutes*

PLANNING COMMISSION MEETING AGENDA

MAY 27, 2008

PAGE 2

DECLARATION OF POSTING OF AGENDA IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54954.2 - SECRETARY REPORT

OPEN PUBLIC COMMENT PERIOD (5 MINUTES)

Now is the time for presentation from the public on items **NOT** appearing on the agenda that are within the Planning Commission's jurisdiction. Should your comments require Commission action, your request will be placed on the next appropriate agenda. No Commission discussion or action may be taken until your item appears on a future agenda. You may contact the Planning Division for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your comments to five (5) minutes.

MINUTES: May 13, 2008

PUBLIC HEARINGS:

- 1) **DEVELOPMENT APPROVAL AMENDMENT, DAA-04-05B: BARRETT-ODISHOO:** A request for amendment to the project development agreement extending the commencement of construction date 7 month, and extending other performance dates by 12 months. The Odishoo project known as Villas of San Marcos is located on the southwest corner of the intersection of Barrett Ave. and San Ramon Dr. (817-33-003)

Recommendation: Open Public Hearing/Adopt Resolution with recommendation to forward request to the City Council for approval.

- 2) **DEVELOPMENT APPROVAL AMENDMENT, DAA-05-10B/DEVELOPMENT SCHEDULE AMENDMENT, DSA-07-20B: BARRETT-SYNCON HOMES:** A request to amend the project development agreement and development schedule for the Lone Oak project located on the northwest corner of the intersection of Barrett Ave. and San Ramon Dr. The amendments would extend all of the commencement of construction dates by 12 months and the development schedule dates by 12 months. (APN 817-59-060 & 817-57-001)

Recommendation: Open Public Hearing/Adopt Resolutions approving development schedule amendment request and forwarding a recommendation to the City Council for approval of the development agreement amendment.

- 3) **DEVELOPMENT APPROVAL AMENDMENTS, DAA-04-08/DAA-05-01/DAA-05-02/DSA-07-03/DAA-05-04/DAA-05-07: MODERATE RATE UNITS-DIVIDEND:** A request to amend the development agreements for the Alicante, Capriano, Mission Ranch, San Savigno and Mallorca projects. The specific amendment request is to insert language into the development agreements allowing for each project to participate in the Council policy for "Guidelines for Replacement Moderate Units" allowing for the trading of moderate rate units between projects. Also requested is an amendment to the development agreement and development schedule for the 92-unit Alicante Estates project located north of Peet Road and east of Cochrane Road.

Recommendation: 1) Open Public Hearing
2) Adopt Resolution for extension of time to the Alicante Estates

PLANNING COMMISSION MEETING AGENDA

MAY 27, 2008

PAGE 3

Development Agreement Amendment, DAA-05-02, with recommendation to forward request to City Council for approval;

- 3) Adopt Resolution approving the Alicante Estates Development Schedule Amendment, DSA-07-03;
- 4) Adopt Separate Resolutions (5) amending Development Agreements to allow for trading moderate rate units between projects, with recommendation to forward requests to the City Council for approval.

- 4) **DEVELOPMENT APPROVAL AMENDMENT, DAA-07-02/ DEVELOPMENT SCHEDULE AMENDMENT, DSA-07-18: CORY-HABITAT FOR HUMANITY:** A request to amend the project development agreement and development schedule for the six unit project located on the east side of Cory Ave. approximately 80 ft. south of San Luis Way. The amendments would extend all of the commencement of construction dates by 9 months and the development schedule dates by 9 months. (APN 817-31-053)

Recommendation: Open Public Hearing/Adopt Resolutions approving development schedule amendment request and forwarding a recommendation to the City Council for approval of the development agreement amendment.

- 5) **DEVELOPMENT APPROVAL AMENDMENT, DAA-06-05/ DEVELOPMENT SCHEDULE AMENDMENT, DSA-06-02: E. MAIN-AHLIN:** A request to amend the project development agreement and development schedule for the an approved 134 unit townhouse project; on a 6.1-acre site located at the southwest corner of E. Main Ave. and Butterfield Blvd. The amendments would extend the commencement of construction date by 12 months and the development schedule dates by 7-18 months. ((APN 726-15-001 & 726-15-073)

Recommendation: Open Public Hearing/Adopt Resolutions approving development schedule amendment request and forwarding a recommendation to the City Council for approval of the development agreement amendment.

- 6) **DEVELOPMENT AGREEMENT AMENDMENT, DAA-05-09B/DEVELOPMENT SCHEDULE AMENDMENT, DSA-05-01C: DEL MONTE - GIOVANNI:** A request to amend the development agreement and development schedule for a six-unit, multi-family residential project referred to as Del Monte Corners. The amendments would extend the commencement of construction date and the development schedule dates by up to 12 months. The project site is approx. one-acre in size and is located on the east side of Del Monte Ave. approx. 80 ft north of Christine Lynn Dr. in a R2(3,500)/RPD zoning district (APN 764-12-025).

Recommendation: Open Public Hearing/Adopt Resolutions approving development schedule amendment request and forwarding a recommendation to the City Council for approval of the development agreement amendment.

- 7) **EXCEPTION TO LOSS OF BUILDING ALLOCATION, ELBA-08-05: DIANA-EAH:** A request for an exception to loss of building allocations for an 80-unit project to be constructed on a 3.6-acre site located on the north side of E. Dunne Ave., south of Diana Ave. adjacent to the east side of the railroad The extension request is for a 12-month extension of the FY 2008-09 building allocations. (APN 726-04-006, 011 & 012).

PLANNING COMMISSION MEETING AGENDA

MAY 27, 2008

PAGE 4

Recommendation: Open Public Hearing/Adopt Resolution with recommendation to forward request to the City Council for approval.

- 8) **USE PERMIT, UP-08-04: BUTTERFIELD-TRAIN FOR LIFE:** A request to allow a commercial recreational facility to include a variety of classes for individualized martial arts and group exercises, to locate in an existing building on the west side of Butterfield Blvd. north of E. Main Ave. at 17680 Butterfield Blvd #200. The subject site is approximately 4.93 acres and is zoned (ML) Light Industrial. (APN: 726-22-055).

Recommendation: Open Public Hearing/Adopt Resolution approving request.

- 9) **USE PERMIT, UP-08-05: TENNANT-LANA'S DANCE STUDIO:** A request to allow a Dance Studio to go into an existing building on the corner of Tennant Ave and Vineyard Blvd at 330 Tennant Ave. The subject site is approximately 1.29 acres and is zoned Planned Unit Development (PUD) with an underlying designation of Industrial. (APN: 817-06-018)

Recommendation: Open Public Hearing/Adopt Resolution approving request.

- 10) **BUILDING ALLOTMENT DISTRIBUTION AND TERM FOR THE NEXT RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) COMPETITION:**

Recommendation: Adopt Resolution with recommendation to forward request to the City Council for approval.

- 11) **REVIEW OF GENERAL PLAN LEVEL OF SERVICE (LOS) STANDARDS FOR SIGNALIZED AND UNSIGNALIZED INTERSECTIONS; REVIEW OF POLICY AND PROCEDURES FOR PREPARATION OF TRANSPORTATION IMPACT ANALYSES (TIAS):**

Recommendation: Develop recommendation to City Council regarding initiation of General Plan Amendment to modify the Level of Service (LOS) Standard; and regarding adoption of proposed changes to TIA procedures.

- 12) **SELECTION OF CHAIR AND VICE-CHAIR:**

Recommendation: Select Chair/Vice-Chair in accordance with City Council adopted policy.

ANNOUNCEMENTS:

SPECIAL PLANNING COMMISSION PUBLIC INFORMATIONAL WORKSHOP TO DISCUSS HISTORICAL RESOURCES CODE UPDATE - JUNE 3, 2008 AT 7 P.M. IN THE HIRAM ROOM AT THE CITY OF MORGAN HILL COMMUNITY AND CULTURAL CENTER

UPCOMING AGENDA ITEM(S) FOR THE JUNE 10, 2008 MEETING:

PLANNING COMMISSION MEETING AGENDA

MAY 27, 2008

PAGE 5

- Subcommittee recommendations for proposed changes to the Residential Development Control System (RDCS) evaluation criteria
- Policy direction regarding definition of kitchen as used to define a dwelling unit subject to Residential Development Control System (RDCS); & definition of senior housing types & standards

CITY COUNCIL REPORTS

ADJOURNMENT

SPEAKER CARD

IN ACCORDANCE WITH GOVERNMENT CODE 54953.3, IT IS NOT A REQUIREMENT TO FILL OUT A SPEAKER CARD IN ORDER TO SPEAK TO THE PLANNING COMMISSION. HOWEVER, it is very helpful to the Commission if you would fill out the Speaker Card that is available on the counter in the Council Chambers. Please fill out the card and return it to the Deputy City Clerk. As your name is called by the Chairperson, please walk to the podium and speak directly into the microphone. Clearly state your name and address and proceed to comment upon the agenda item. Please limit your remarks to three (3) minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the Planning Commission agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or Hearing Impaired only - TDD 776-7381 to request accommodation.

NOTICE

NOTICE IS GIVEN pursuant to Government Code Section 65009, that any challenge of any of the above agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action taken by the Planning Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.